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10 Attorneys for Plaintiff The Guardian Insurance and Annuity Company, Inc.

11

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

14

15 THE GUARDIAN INSURANCE  
16 AND ANNUITY COMPANY,  
17 INC., a corporation,

18 Plaintiff,

19 vs.

20 CARLA M. UNTERMANN, an  
21 individual; PHILLIP  
22 UNTERMANN, an individual;  
23 BRENDA CAMILLI, an individual;  
24 JOANNE L. GRIGGS, an  
25 individual; LISA CAMILLI, an  
26 individual; KATHLEEN BUTLER  
CAMILLI, an individual;  
RICHARD L. CAMILLI, an  
individual; DOLPH F. CAMILLI,  
an individual; DIANNE R.  
ABRAHAM, an individual;  
DOUGLAS J. CAMILLI, an  
individual; BRUCE P. CAMILLI,  
an individual; SPCA OF SAN  
MATEO, CALIFORNIA, business  
entity, form unknown; DIANNE R.  
ABRAHAM, as Successor Trustee  
of the Dolph L. Camilli Bypass  
Trust; WILLIAM H. SHEA, JR., as  
Successor Trustee of the Gerda M.  
Camilli Survivor Trust; and DOES 1  
through 10, inclusive,

27 Defendants.

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LA #4823-3367-8337 v1

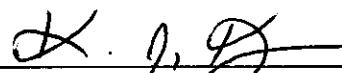
Case No: C 07 3557 CRB

WAIVER OF SERVICE OF  
SUMMONS OF LISA VAN BUSKIRK  
ON BEHALF OF THE PENINSULA  
HUMANE SOCIETY & SPCA

1           Attached as Exhibit "A" is the signed Waiver of Service of Summons of  
2 Lisa Van Buskirk on behalf of The Peninsula Humane Society & SPCA.  
3

4 DATED: August 27, 2007

DANIEL W. MAGUIRE  
KEIKO J. KOJIMA  
BURKE, WILLIAMS & SORENSEN, LLP

6  
7 By: 

8 KEIKO J. KOJIMA  
9 Attorneys for The Guardian Insurance  
10 and Annuity Company, Inc  
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## WAIVER OF SERVICE OF SUMMONS

KEIKO J. KOJIMA, Attorney for The Guardian Ins. & Ann. Co., Inc  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, LISA VAN BUSKIRK, acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of The Guardian Ins. & Ann. Co., Inc. v. Untermann et al.  
(CAPTION OF ACTION)  
which is case number C 06-07427 TEH C 073557 CRB in the United States District Court  
(DOCKET NUMBER)

for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

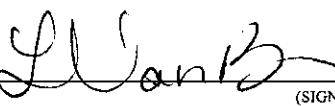
I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after August 2, 2007,  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

8-8-07  
(DATE)

  
(SIGNATURE)

Printed/Typed Name: LISA VAN BUSKIRK  
As VP, Development & Planned of THE PENINSULA HUMANE  
Living SOCIETY AND SPCA  
(TITLE) (CORPORATE DEFENDANT)

### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

**PROOF OF SERVICE**

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2539.

On August 27, 2007, I served the following document(s): **WAIVER OF SERVICE OF SUMMONS OF LISA VAN BUSKIRK ON BEHALF OF THE PENINSULA HUMANE SOCIETY & SPCA** on the interested parties in this action by placing a true and correct copy [the original] of such document, enclosed in a sealed envelope, addressed as follows:

**SEE ATTACHED SERVICE LIST**

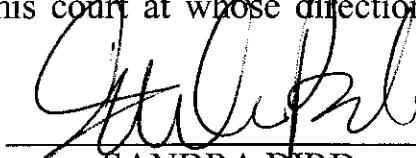
(XX) I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail at Los Angeles, California.

( ) By overnight courier, I caused the above-referenced document(s) to be deposited in a box or other facility regularly maintained by the overnight courier, or I delivered the above-referenced document(s) to an overnight courier service, for delivery to the above addressee(s).

Executed August 27, 2007, Los Angeles, California.

( ) (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(XX) (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



SANDRA BIRD

## **SERVICE LIST**

**Case No. C 07 3557 CRB**

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